

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES A. MURPHY,
Plaintiff,

No. C 10-01568 WHA

v.

J.B. HUNT TRANSPORT SERVICES, INC.,
AND DOES 1-10, INCLUSIVE,

**NOTICE RE PLAINTIFF'S
COMMITMENT TO OPT
OUT OF CLASS ACTION**

Defendants.

Defendants have moved to dismiss or stay this action on the grounds that plaintiff's claims are identical to those being pursued in a class action in the United States District Court for the Central District of California, *Ortega v. J.B. Hunt Transport, Inc.*, Case No. 2:07-cv-08336 FMC-JCx. While a class has been certified in *Ortega* and plaintiff admits that he fits within the class definition, he argues that because neither notice nor an opportunity to opt out of *Ortega* have yet issued, he is not bound by *Ortega* and his claims in the present matter are not duplicative. No later than **NOON ON MAY 24, 2010**, plaintiff should submit, if true, an unqualified sworn declaration that he will opt out of *Ortega* when he is given the opportunity to do so.

IT IS SO ORDERED.

Dated: May 17, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE